

REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register: 18 August 1999
Name of applicant/court: The District Court at Auckland
Applicant to the Labelling Body: Not Applicable
Title of Publication: Cathy 13b
Other Known Titles: Photos\Hoskioki\Cathy\Cathy 13b
Director: Not Applicable
Producer: Not Applicable
Publisher: Not Applicable
Author: Not Applicable
Format: Computer Image File
Country of Origin: Not Stated
Language: English

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Components of film originally examined: Not Applicable.

Feature:	Running time:
Trailers:	Running time:
	Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The computer image file entitled *Cathy 13b*, also known as *Photos\Hoskioki\Cathy\Cathy 13b*, is classified as:
Objectionable.

The publication is a computer image file of a black and white photograph. The image is accessed from a Jaz disk formatted for an AppleMac computer. The title is typed across the top of the page.

The image depicts a pre-pubescent girl engaging in sexual activity with an adult male. She has the bodily characteristics of a child, and appears to be aged somewhere between 6-10 years old. The girl is depicted fellating the man. She is naked (apart from wearing socks) and sits on a sofa as she fellates the man who stands beside her. She has her hand around his penis, which is clearly visible, as she fellates him. The girl sits with her legs apart and has one hand over her genitalia giving the impression she is masturbating.

The publication gives the implicit message that children enjoy sexual activity with adults and helps to legitimise the notion that sexual activity between children and adults is acceptable. It focuses upon and promotes the sexual characteristics of female children to an adult audience. The viewer is encouraged to be sexually aroused by female children who are implicitly presented as desirable, viable and legitimate sexual partners. Therefore the publication promotes and supports the exploitation of children for sexual purposes as outlined under s3(2)(a) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act).

Section 3(2) of the FVPC Act overrides the New Zealand Bill of Rights Act 1990 (NZBR Act) because it is a deeming provision which cannot be given a meaning that is consistent with the rights and freedoms contained in s14 of the NZBR Act. Consequently the publication is deemed objectionable.

OFLC Ref: 9901224